

ESTTA Tracking number: **ESTTA559498**Filing date: **09/15/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Aerial Attack LLC		
Entity	limited liability company	Citizenship	Delaware
Address	135 Piermont Avenue Hewlett, NY 11557 UNITED STATES		

Attorney information	John P. Rynkiewicz Kaye Scholer LLP 901 Fifteenth Street, N.W. Suite 700 Washington, DC 20005 UNITED STATES jrynkiewicz@kayescholer.com, jeischeid@kayescholer.com Phone: 2026823671
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**Registration Subject to Cancellation**

Registration No	3459312	Registration date	07/01/2008
Registrant	TERREMOTO CELLARS, LLC 102A HAMILTON DRIVE NOVATO, CA 94949 UNITED STATES		

**Goods/Services Subject to Cancellation**Class 033. First Use: 2005/06/12 First Use In Commerce: 2005/06/12  
All goods and services in the class are cancelled, namely: wine**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	terremotocanc1.pdf(445340 bytes ) TerremotoCanc2.pdf(712186 bytes )
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**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/john p rynkiewicz/
Name	John P. Rynkiewicz
Date	09/15/2013



1. On information and belief, the last-listed owner of the registration in issue is Terremoto Cellars, LLC, located at 102A Hamilton Drive, Novato, California 94949.
2. Petitioner is the owner of the mark TERREMOTO and U.S. trademark application serial number 86042657, for TERREMOTO, covering “Blended and infused whiskey, blended and infused rum, blended and infused tequila, blended and infused vodka, spirits, liqueurs, alcoholic beverages,” in Class 33.
3. Petitioner believes that it will be damaged by the continued registration of TERREMOTO CELLARS.




4. On information and belief, the mark TERREMOTO CELLARS (Reg. No. 3459312) owned by Respondent is no longer in use for the goods identified in the registration and has been abandoned without any intention to resume use.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained in favor of Petitioner, that judgment be entered that the TERREMOTO CELLARS mark has been abandoned, that Registration No. 3459312 be canceled, and that Petitioner be awarded such other relief to which it is entitled.

Dated this 15<sup>th</sup> day of September, 2013.

AERIAL ATTACK LLC



John P. Rynkiewicz, Esq.  
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*Attorneys for Petitioner*

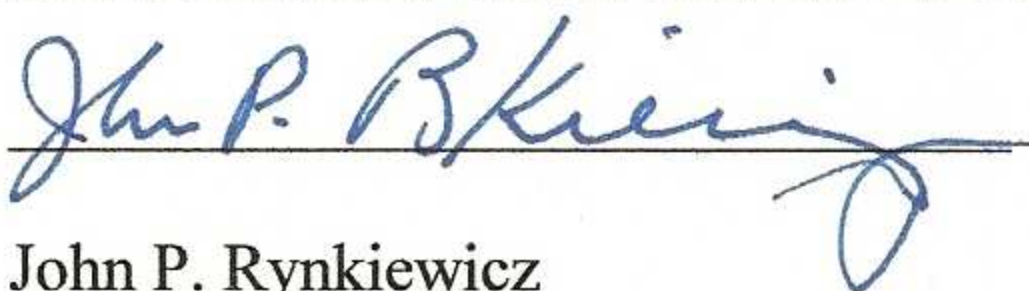
### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing PETITION FOR CANCELLATION was served by first class mail, postage pre-paid, on this 15<sup>th</sup> day of September 2013, at the following record address for Respondent:

TERREMOTO CELLARS, LLC  
102A HAMILTON DRIVE  
NOVATO, CALIFORNIA 94949

and also served at the following correspondence address of record by first class mail, postage pre-paid, on this 15<sup>th</sup> day of September 2013:

CHRISTOPHER J. GALLIEN  
10 PROFESSIONAL CENTER PARKWAY, UNIT 2  
SAN RAFAEL, CALIFORNIA 94903



John P. Rynkiewicz